

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein shall replace the supplement to the summons and complaint, pleading, and other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

RECEIVED

CC 14 2004

DEFENDANTS

RASMI KHADER ALMALLAH

(b) County of Residence of First

(EXCEPT IN U.S. PLAINTIFF) CLERK, U.S. DISTRICT COURT FOR SOUTHERN DISTRICT OF TEXAS

County of Residence of First Listed DALLAS

(IN U.S. PLAINTIFF CASES ONLY)

NOTE IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Attorneys (If Known)

3143

2230 H

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input checked="" type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of <input type="checkbox"/> Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input checked="" type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL PROPERTY <input type="checkbox"/> 312 Personal Injury—Med Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage <input type="checkbox"/> 386 Product Liability	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage <input type="checkbox"/> 386 Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input checked="" type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	REAL PROPERTY <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	CIVIL RIGHTS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	PRISONER PETITIONS <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
			FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input checked="" type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 (specify)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7
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Transferred from another district

Appeal to District Judge from Magistrate Judge

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause
Do not cite jurisdictional statutes unless diversity)

Section 340(a) Immigration and Nationality Act of 1952.

VII. REQUESTED IN COMPLAINT:	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$	CHECK YES only if demanded in complaint JURY DEMAND: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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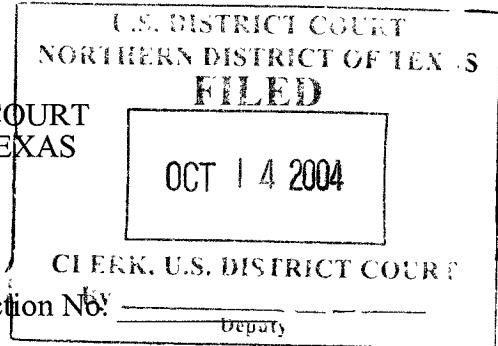
VIII. RELATED CASE(S) IF ANY	(See instructions)	JUDGE	DOCKET NUMBER
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DATE 10/14/04 SIGNATURE OF ATTORNEY OF RECORD *smm*

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING JPF JUDGE MAG. JUDGE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



UNITED STATES OF AMERICA,

Plaintiff,

V.

RASMI KHADER ALMALLAH,

Defendant.

COMPLAINT TO REVOKE NATURALIZATION

I. JURISDICTION AND VENUE

12 1. This is an action under section 340(a) of the Immigration and Nationality Act of
13 1952, as amended (the “INA”), 8 U.S.C. § 1451(a), to revoke and set aside the order admitting
14 the defendant to citizenship and to cancel defendant’s certificate of naturalization.

15 2. The affidavit of Donna C. Chabot, an officer of the United States Immigration and
16 Customs Enforcement (“ICE”), United States Department of Homeland Security (“DHS”),
17 showing good cause for this action is attached as Exhibit A.

18 3. The plaintiff is the United States of America, and this Court has jurisdiction
19 pursuant to Title 28, United States Code, Section 1345.

20 4. The defendant is a naturalized United States citizen whose last known residence is
21 876 Cotswolds Court, Richardson, Texas 75081-5061; therefore, venue is proper in this district.
22 8 U.S.C. § 1451(a).

23 || II. FACTUAL BACKGROUND

A. Defendant's Marital History

25 5. On December 21, 1981, defendant married Rose Marie Hawley, a United States
26 citizen.

27 6. Defendant paid Ms. Hawley money to marry him and to help him obtain immigration

1 status.

2 7. Defendant and Ms. Hawley never resided together as husband and wife.

3 8. The marriage between defendant and Ms. Hawley was a sham marriage entered into
4 solely to circumvent the immigration laws and enable defendant to obtain immigration status.

5 B. Defendant's Adjustment of Status Proceedings

6 9. On March 9, 1982, Ms. Hawley filed with the Dallas District Office of the United
7 States Immigration and Naturalization Service (the "INS")^{1/} a "Petition for Alien Relative,"
8 Form I-130, on behalf of defendant, seeking to classify defendant as her immediate relative
9 based on their marriage.

10 10. This Petition was approved by the INS on March 9, 1982.

11 11. On March 9, 1982, defendant filed an "Application for Status as Permanent
12 Resident," Form I-485, with the Dallas District of the INS seeking to adjust his status to that of
13 a lawful permanent resident of the United States based on his marriage to Ms. Hawley.

14 12. Question 13(c) of this adjustment application asked defendant whether his wife, Ms.
15 Hawley, resided with him or apart from him.

16 13. In response to Question 13(c), defendant represented that his wife resided with him.

17 14. On March 9, 1982, defendant was interviewed under oath by an officer of the INS
18 regarding his application for adjustment of status.

19 15. During this interview, defendant testified about his marriage generally and
20 specifically testified that he and Ms. Hawley resided together as husband and wife.

21 16. On June 8, 1982, the INS approved defendant's application for status as a
22 permanent resident, based on his written application and the testimony he provided during his
23 adjustment interview, and defendant was admitted as a permanent resident of the United States

24 _____
25 1/ As of March 1, 2003, the INS ceased to exist and its functions were transferred to various agencies within
26 DHS. See Homeland Security Act of 2002, §§ 441, 451, 471, Pub. L. No. 107-296, 116 Stat. 2135 (2002) (codified
at 6 U.S.C. §§ 251, 271, 291). This transfer does not affect the issues in this case. Because Mr. Almallah's
naturalization case was adjudicated before the transfer, this Complaint will reference the INS as necessary.

27

28

1 as of that date.

2 C. Defendant's Naturalization Proceedings

3 17. On June 19, 1987, defendant filed with the Dallas District Office of the INS an
4 "Application to File Petition for Naturalization," Form N-400.

5 18. Defendant filed his application based upon his eligibility for naturalization as a
6 lawful permanent resident for at least five years. INA § 316; 8 U.S.C. § 1427.

7 19. Question 51 of the application asked whether defendant had ever given false
8 testimony for the purpose of obtaining any benefits under the Immigration and Nationality Act.

9 20. In response to Question 51 of the application, defendant answered "No."

10 21. On January 29, 1988, defendant was interviewed under oath by an officer of the
11 INS regarding his application for naturalization.

12 22. At this interview, defendant signed a sworn statement that the contents of his
13 application were true.

14 23. On January 29, 1988, the INS approved defendant's application to file petition for
15 naturalization, based on his written application and the testimony he provided during his
16 naturalization interview.

17 24. Based on the approval of this application, defendant filed a "Petition for
18 Naturalization," Form I-405, with the United States District Court for the Northern District of
19 Texas in Dallas, Texas, on January 29, 1988.

20 25. Based upon his representations in the petition for naturalization, defendant took the
21 oath of allegiance, was admitted to United States citizenship, and was issued Certificate of
22 Naturalization No. 12446724 on July 29, 1988.

23 III. THE RELEVANT LAW

24 26. Under section 340(a) of the INA, 8 U.S.C. § 1451(a), defendant's
25 naturalization must be revoked and his Certificate of Naturalization must be canceled if his
26 naturalization was either:

27 (a) illegally procured, or

(b) procured by concealment of a material fact or by willful misrepresentation.

COUNT I

Illegal Procurement of United States Citizenship:
Not Lawfully Admitted for Permanent Residence
Inadmissible at Time of Admission

5 27. Plaintiff realleges and incorporates by reference paragraphs 1 through 26 of this
6 Complaint.

7 28. To be eligible for naturalization, an alien must be lawfully admitted to the United
8 States for permanent residence in accordance with all applicable provisions of the INA. See
9 INA § 318, 8 U.S.C. § 1429; see also INA § 316(a)(1), 8 U.S.C. § 1427(a)(1).

10 29. A United States citizen can seek to classify his or her alien spouse as an immediate
11 relative pursuant to section 201(b)(2)(A)(i) of the INA, 8 U.S.C. § 1151(b)(2)(A)(i),^{2/} by filing
12 a Petition for Alien Relative, Form I-130. See INA § 204(a)(1)(A)(i).^{3/} Upon approval of the
13 Form I-130, the alien spouse is eligible to apply for lawful permanent resident status.
14

15 30. However, a marriage entered into to circumvent the immigration laws, known as a
16 "sham marriage," is not valid to confer immigration benefits. An individual who enters into a
17 sham marriage, therefore, is not a spouse for immigration purposes. Accordingly, such a person
18 is not eligible for classification as an immediate relative and thereby is not eligible for permanent
19 residence based on that marriage.

21 31. As set forth in paragraphs 9-16, defendant adjusted his status to that of lawful
22 permanent resident of the United States based upon his marriage to Rose Marie Hawley.

23 32. As set forth in paragraphs 5 through 8, defendant paid Rose Marie Hawley money
24 to marry him and file immigration documents on his behalf. Defendant and Ms. Hawley never

²⁶ Formerly codified as section 201(b) of the INA; 8 U.S.C. § 1151(b).

²⁷ || ^{3/} Formerly codified as section 204(a)(1); 8 U.S.C. § 1154(a)(1).

1 resided together as husband and wife. Defendant entered into a sham marriage with Rose
2 Marie Hawley for the sole purpose of circumventing the immigration laws and obtaining his
3 immigration status. See supra ¶¶ 5-8.

4
5 33. Because defendant's marriage to Ms. Hawley was not valid for immigration
6 purposes, he was not eligible for classification as an immediate relative and was not eligible for
7 permanent residence based on that marriage. Accordingly, at the time of his application for
8 adjustment of status, defendant was inadmissible to the United States pursuant to section
9 212(a)(20) of the INA, 8 U.S.C. § 1182(a)(20),^{4/} because he was not then in possession of a
10 valid document for admission.

11
12 34. Because defendant was not admissible to the United States, he was not lawfully
13 admitted to the United States when he filed his application to file petition for naturalization on
14 June 19, 1987, and prior to becoming a naturalized citizen on July 29, 1988.

15
16 35. Because defendant was not lawfully admitted for permanent residence in accordance
17 with all applicable provisions of the INA, defendant was not eligible to naturalize. See INA
18 § 318, 8 U.S.C. § 1429; see also INA § 316(a)(1), 8 U.S.C. § 1427(a)(1).

19
20 36. As a person ineligible to naturalize, defendant's naturalization was illegally procured
and must be revoked, as provided for in section 340(a) of the INA, 8 U.S.C. § 1451(a).

21
22 **COUNT II**

23
24 **Illegal Procurement of United States Citizenship:**
Not Lawfully Admitted for Permanent Residence
Procured Status by Fraud or Willful Misrepresentation

25
26 37. Plaintiff realleges and incorporates by reference paragraphs 1 through 36 of this
Complaint.

27
28 ^{4/} Now codified as section 212(a)(7)(A)(i)(I) of the INA, 8 U.S.C. § 1182(a)(7)(A)(i)(I).

1 38. To be eligible for naturalization, an alien must be lawfully admitted to the United
2 States for permanent residence in accordance with all applicable provisions of the INA. See
3 INA § 318, 8 U.S.C. § 1429; see also INA § 316(a)(1), 8 U.S.C. § 1427(a)(1).

4 39. As set forth in paragraphs 11 through 15, during his adjustment interview and on his
5 application for status as permanent resident, defendant represented that his wife, Ms. Hawley,
6 resided with him. That representation was false. Contrary to his representation, as set forth in
7 paragraphs 5 through 8, defendant never resided with Ms. Hawley.

8 40. Defendant made this misrepresentation regarding residing with Ms. Hawley,
9 knowing his representation was false and misleading. Accordingly, defendant made this
10 misrepresentation willfully.

11 41. Defendant's misrepresentation was material to his application for status as
12 permanent resident. Accordingly, defendant procured his permanent residence by fraud or by
13 willful misrepresentation and concealment of a material fact.

14 42. Because defendant procured his permanent resident status by fraud or by willful
15 misrepresentation and concealment of a material fact, defendant was inadmissible to the United
16 States pursuant to section 212(a)(19) of the Act, 8 U.S.C. § 1182(a)(19).^{5/}

17 43. Because defendant was inadmissible to the United States, he was not lawfully
18 admitted in accordance with all applicable provisions of the INA. Accordingly, defendant
19 illegally procured his naturalization.

20 44. Because defendant illegally procured his naturalization, his naturalization must be
21 revoked, as provided by section 340(a) of the INA, 8 U.S.C. § 1451(a).

22 //

23

24 5/ Now codified as section 212(a)(6)(C)(i) of the INA, 8 U.S.C. § 1182(a)(6)(C)(i).

COUNT III

Procurement of United States Citizenship by
Willful Misrepresentation or Concealment of a Material Fact

45. Plaintiff realleges and incorporates by reference paragraphs 1 through 44 of this Complaint.

46. As set forth in paragraphs 19 through 22, when he filed his naturalization application and when he signed his application at his naturalization interview, defendant represented that he had never provided false testimony for the purpose of obtaining any immigration benefit. Defendant misrepresented this fact. Contrary to his representation, as set forth in paragraphs 14 through 15, defendant falsely testified under oath at his adjustment interview on March 9, 1982, that he and his wife resided together as husband and wife.

47. Defendant made this misrepresentation regarding his prior false testimony knowing his representation was false and misleading. Accordingly, defendant made this misrepresentation willfully.

48. Defendant's misrepresentation during his naturalization process that he had never provided false testimony is a material fact. See INA §§ 316(a)(3), 318; 8 U.S.C. §§ 1427(a)(3), 1429. Accordingly, defendant procured his naturalization by willful misrepresentation and concealment of a material fact.

49. Because defendant procured his naturalization by willful misrepresentation and concealment of a material fact, his naturalization must be revoked, as provided by section 340(a) of the INA, 8 U.S.C. § 1451(a).

WHEREFORE, plaintiff demands:

Judgment revoking and setting aside the naturalization of defendant ordered by the

1 Attorney General of the United States, admitting the defendant to United States citizenship, and
2 canceling Certificate of Naturalization No. 12446724.

3 Judgment forever restraining and enjoining defendant from claiming any rights,
4 privileges, or advantages under any document which evidences United States citizenship
5 obtained as a result of defendant's July 29, 1988, naturalization.

6 Judgment requiring defendant to surrender and deliver his Certificate of Naturalization
7 and any other indicia of United States citizenship, as well as any copies thereof in his
8 possession, and to make good faith efforts to recover and then surrender any copies thereof that
9 he knows are in the possession of others, to the Attorney General immediately.
10

11 Judgment granting plaintiff any other relief that may be lawful and proper.
12

13 Respectfully Submitted,

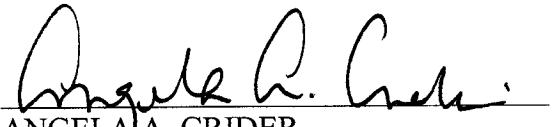
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15 United States Attorney

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18 Chief, Civil Division
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I, Donna C. Chabot, declare under penalty of perjury as follows:

- I. I am a Special Agent, U.S. Immigration and Customs Enforcement (ICE), U.S. Department of Homeland Security (DHS). In this capacity, I have access to the official records maintained by DHS, including the immigration file of Rasmi Khader Almallah, A26-531-200.
- II. I have examined the records relating to Mr. Almallah. Accordingly, I state, on information and belief that the information set forth in this Affidavit of Good Cause is true and correct.
- III. On June 19, 1987, Mr. Almallah filed an Application to File Petition for Naturalization, Form N-400, with the Dallas District Office of the Immigration and Naturalization Service (INS).¹ Mr. Almallah was interviewed, under oath, by an INS officer on January 29, 1988. On the basis of his written application and interview, his Application to File Petition for Naturalization was approved on January 29, 1988. Based on that approval, Mr. Almallah was allowed to petition the court for naturalization by completing Form N-405, Petition for Naturalization. Based on his approved Application to File Petition for Naturalization and his representations on the Petition for Naturalization, Mr. Almallah took the oath of

¹ As of March 1, 2003, the INS ceased to exist and its functions were transferred to various agencies within DHS. See Homeland Security Act of 2002, §§ 441, 451, 471, Pub. L. No. 107-296, 116 Stat. 2135 (2002) (codified at 6 U.S.C. §§ 251, 271, 291). This transfer does not affect the issues in this case. Because Mr. Almallah's naturalization case was adjudicated before the transfer, this Affidavit of Good Cause will reference the INS as necessary.

allegiance and was admitted as a citizen of the United States on July 29, 1988. He was issued Certificate of Naturalization number 12446724.

IV. Mr. Almallah illegally procured his naturalization because he was not lawfully admitted for permanent residence in accordance with all applicable provisions of the Immigration and Nationality Act (INA), in that, when he was admitted to the United States as a lawful permanent resident, he was inadmissible to the United States.

A. Mr. Almallah was not admissible to the United States pursuant to section 212(a)(20) of the INA, 8 U.S.C. § 1182(a)(20),² because he was not in possession of a valid document for admission.

1. A U.S. citizen may seek to classify his or her alien spouse as an immediate relative by filing a Petition for Alien Relative, Form I-130. Upon approval of the Form I-130, the alien spouse is eligible to apply for lawful permanent resident status.
2. However, a marriage entered into to circumvent the immigration laws, known as a sham marriage, is not valid to confer immigration benefits. An individual who enters into a sham marriage, therefore, is not a spouse for immigration purposes. Accordingly, such a person is not eligible for classification as an immediate relative and thereby is not eligible for permanent residence based on that marriage.
3. On December 21, 1981, Mr. Almallah married Rose Marie Hawley, a U.S. citizen.
4. On March 9, 1982, Ms. Hawley filed a Petition for Alien Relative, Form I-130, on behalf of Mr. Almallah, seeking to classify Mr. Almallah as her

² Now codified as section 212(a)(7)(A)(i)(I) of the INA, 8 U.S.C. § 1182(a)(7)(A)(i)(I).

immediate relative based on their marriage. This petition was approved on March 9, 1982.

5. On March 9, 1982, Mr. Almallah also filed an Application for Status as Permanent Resident, Form I-485, seeking to become a lawful permanent resident of the United States based on his marriage to Ms. Hawley. Based on his approved petition classifying him as the immediate relative of a U.S. citizen, the information contained on his Form I-485, and the testimony provided during the I-485 interview, Mr. Almallah's application for permanent residence was approved on June 8, 1982, and he was admitted as a permanent resident of the United States as of that date.
6. However, the marriage between Ms. Hawley and Mr. Almallah was a sham marriage entered into to circumvent the immigration laws, as it was entered into solely to enable Mr. Almallah to obtain immigration benefits. Mr. Almallah paid Ms. Hawley money to marry him and help him obtain immigration status, which included filing of the appropriate forms with INS and appearing in person with Mr. Almallah for his immigration interview. Mr. Almallah and Ms. Hawley never resided together as husband and wife.
7. Because the marriage between Ms. Hawley and Mr. Almallah was not a valid marriage for immigration purposes, that marriage could not have conferred any immigration status to Mr. Almallah.
8. Mr. Almallah, therefore, was not eligible for classification as the immediate relative of a U.S. citizen. Accordingly, the petition approving his classification as an immediate relative was not in accordance with the INA.

9. Because Mr. Almallah was not eligible for classification as the immediate relative of Ms. Hawley, he was not eligible to become a lawful permanent resident of the United States.
10. Accordingly, Mr. Almallah was not lawfully admitted to the United States in accordance with all applicable provisions of the INA; therefore, he illegally procured his naturalization.

B. Mr. Almallah was not admissible to the United States pursuant to section 212(a)(19) of the INA, 8 U.S.C. § 1182(a)(19),³ because he procured his status by fraud or willful misrepresentation of material facts.

1. An individual who procures a visa, other documentation, or entry into the United States by fraud or willful misrepresentation of material facts is inadmissible to the United States.
2. Mr. Almallah willfully misrepresented material facts on his Application for Status as Permanent Resident, Form I-485, and during his I-485 interview with the INS.
 - a. On March 9, 1982, Mr. Almallah filed his Application for Status as Permanent Resident based on his marriage to Ms. Hawley. Question 13(c) of that application asked Mr. Almallah whether his wife, Ms. Hawley, resided with him or apart from him. Mr. Almallah represented that his wife resided with him. This representation was false because Mr. Almallah never resided with his wife, Ms. Hawley.
 - b. Additionally, Mr. Almallah was interviewed by an officer on March 9, 1982 regarding his Application for Status as Permanent Resident.

³ Now codified as section 212(a)(6)(C)(i) of the INA, 8 U.S.C. § 1182(a)(6)(C)(i).

During this interview, Mr. Almallah was placed under oath and was asked various questions about his marriage, including whether he and Ms. Hawley resided together. Mr. Almallah testified generally about his marriage to Ms. Hawley, and he also testified that he and Ms. Hawley resided together. Mr. Almallah's testimony during this interview was false because he had entered into the marriage to circumvent the immigration laws and never resided with Ms. Hawley.

3. Mr. Almallah's misrepresentations about his marriage were material to his Application for Permanent Residence because they had the natural tendency to influence the decision whether to approve his application. In fact, Mr. Almallah's misrepresentations concealed that he had never resided with Ms. Hawley, that he paid her to marry him, and that he entered into the marriage solely to obtain an immigration benefit and was, therefore, ineligible for permanent residence.
4. Accordingly, Mr. Almallah procured his permanent residence on account of his fraud and misrepresentations and he was inadmissible to the United States.
5. Because Mr. Almallah was inadmissible to the United States, he was not lawfully admitted to the U.S. in accordance with all applicable provisions of the INA; therefore, he illegally procured his naturalization.

V. Mr. Almallah procured his naturalization by willful misrepresentation and concealment of material facts.

A. Mr. Almallah willfully misrepresented and concealed material facts during the naturalization process.

1. On his Application to File a Petition for Naturalization, Mr. Almallah represented that he had never provided false testimony for the purpose of obtaining any immigration benefit. On January 29, 1988, at the end of his naturalization interview, Mr. Almallah signed his naturalization application, thereby swearing that the information on the application was true.
2. This representation was false because Mr. Almallah had provided false testimony to obtain an immigration benefit.
 - a. On March 9, 1982, Mr. Almallah was interviewed by an officer of the INS regarding his marriage to Ms. Hawley. During this interview, Mr. Almallah was placed under oath and was asked various questions about his marriage, including whether he and Ms. Hawley resided together. Mr. Almallah testified generally about his marriage to Ms. Hawley, and he also testified that he and Ms. Hawley resided together.
 - b. This testimony was false. In fact, Mr. Almallah never resided with Ms. Hawley, as the marriage was entered into solely to enable Mr. Almallah to obtain an immigration benefit.
 - c. Accordingly, contrary to his representation, Mr. Almallah had provided false testimony to obtain an immigration benefit.

B. Mr. Almallah's misrepresentations about his marriage were material to determining his eligibility for naturalization because they would have had the natural tendency to

influence the INS decision whether to approve his application. In fact, the INS would not have approved Mr. Almallah's application if Mr. Almallah had been truthful about the fact that his marriage to Ms. Hawley had been entered into solely for immigration purposes, and was therefore invalid and fraudulent for immigration purposes.

C. Mr. Almallah procured his naturalization by misrepresenting and concealing material facts regarding his marriage to Ms. Hawley.

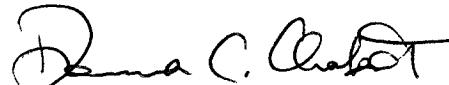
VI. Based on the facts outlined in paragraphs III through V, good cause exists to institute proceedings pursuant to Section 340(a) of the INA, 8 U.S.C. § 1451(a), to revoke Mr. Almallah's citizenship, and to cancel his Certificate of Naturalization.

VII. Mr. Almallah's last place of residence is 876 Cotswolds Court, Richardson, Texas 75081-5061.

DECLARATION IN LIEU OF JURAT
(28 U.S.C. Section 1746)

I declare under penalty of perjury that the foregoing is true and correct.

Executed on Sept. 29, 2004.



Donna C. Chabot
Special Agent
Immigration and Customs Enforcement
Department of Homeland Security